

Fw020357

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

2013 SEP 17 AM 8:48

CLERK OF COURT

IRMA GONZALEZ

Plaintiff.

v.

MIDLAND CREDIT
MANAGEMENT, INC.

Defendant.

CIVIL ACTION NO.

4-13CV-767-C

TRIAL BY JURY DEMANDED

VERIFIED COMPLAINT FOR RELIEF

Plaintiff Irma Gonzalez, complains of Midland Credit Management, Inc. Defendant, and for cause of action would respectfully show as follows:

NATURE OF ACTION

1. This is an action for damages brought by individual, Plaintiff Irma Gonzalez against Defendant Midland Credit Management, Inc., for violations of the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227(b)(1)(A), 47 U.S.C. § 227(b)(1)(A)(iii), Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 et al., The Texas Debt Collection Practices Act, Chapter 392 ("TDCPA"), and the Texas Business and Commerce Code, Subchapter E. Chapter 17, ("DTPA"), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff contends that the Defendant has violated such laws by repeatedly harassing Plaintiff in attempts to collect an alleged but non-existent consumer debt.

2. Upon belief and information, Plaintiff contends that many of these practices are widespread for Defendant. Plaintiff intends to propound discovery to Defendant identifying these other individuals who have suffered similar violations.

JURISDICTION AND VENUE

3. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d) and 47 U.S.C. §227(f)(2).
4. This Court has jurisdiction over Defendant pursuant to 28 U.S.C. §1391b because Defendant engages in business within this state, to wit debt collection, and its business within this state gave rise to the causes of action asserted herein.
5. This Court has jurisdiction over Defendant pursuant to 28 U.S.C. §1391b because Defendant carries on business in this State.
6. Venue is proper pursuant to 28 U.S.C. §1391b and 47 U.S.C. §227(f)(4) . Venue in the Northern District of Texas, Fort Worth Division is proper in that the Plaintiff resides in State of Texas, Tarrant County, City of Fort Worth, the Defendants transact business here, and the conduct complained of occurred here.
7. All conditions precedent to the bringing of this action, have been performed.

PARTIES

8. The Plaintiff in this lawsuit is Irma Gonzalez, a natural person and a citizen of Tarrant County, Texas.
9. Defendant in this lawsuit is Midland Credit Management, Inc. (herein after "MCM") a debt collection company with principal office at 8875 Aero Drive, Suite 200, San Diego, CA 92123.
10. MCM is registered with the Texas Secretary of State pursuant to Tex. Fin. Code § 392.101 to engage in debt collection activities in Texas.

11. MCM may be served with process by serving its registered agent for service of process:

Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th

Street, Suite 620, Austin, TX 78701-3218.

FACTUAL ALLEGATIONS

12. On **26-June-2013 at about 12:03 p.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes.

13. On **26-June-2013 at about 03:26 p.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes.

14. On **27-June-2013 at about 11:59 a.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes.

15. On **27-June-2013 at about 02:55 p.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes.

16. On **29-June-2013 at about 11:55 a.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes.

17. On **03-July-2013 at about 01:45 p.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes.

18. On **07-July-2013 at about 01:39 p.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes.

19. On **08-July-2013 at about 11:56 a.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes.

20. On **09-July-2013 at about 12:29 p.m.**, Defendant MCM called the Plaintiff's cell phone

without prior permission or for emergency purposes. **(Exhibit A)**

21. In the telephone conversation on **09-July-2013 at about 12:29 p.m.**, Plaintiff spoke with Defendant MCM representative, Peter Willow, who stated that the call was from Midland Credit Management. Defendant's representative Peter Willow failed to notify Plaintiff that the communication is from a debt collector.
22. On **10-July-2013 at about 02:28 p.m.**, Defendant MCM called the Plaintiff's cell phone without prior permission or for emergency purposes. (**Exhibit B**)
23. In the telephone conversation on **10-July-2013 at about 02:28 p.m.**, Plaintiff spoke with Defendant MCM representative, Sam Bishop, who stated that the call was from Midland Credit Management. Defendant's representative Sam Bishop failed to notify Plaintiff that the communication is from a debt collector.
24. On **10-July-2013 at about 03:27 p.m.**, Defendant MCM called the Plaintiff's cell phone without prior permission or for emergency purposes. (**See Exhibit A**)
25. In the telephone conversation on **10-July-2013 at about 03:27 p.m.**, Plaintiff spoke with Defendant MCM representative, Sam Joseph, who stated that the call was from Midland Credit Management. Defendant's representative Sam Joseph failed to notify Plaintiff that the communication is from a debt collector.
26. On **11-July-2013 at about 12:33 p.m.**, Defendant MCM called the Plaintiff's cell phone without prior permission or for emergency purposes. (**See Exhibit A**)
27. In the telephone conversation on **11-July-2013 at about 12:33 p.m.**, Plaintiff spoke with Defendant MCM representative who would not provide a name. Defendant's representative stated that the call was from MCM. Defendant's representative failed to notify Plaintiff that the communication is from a debt collector.

28. The communications in question here are all related to Defendant MCM attempts to collect an alleged but non-existent consumer debt.
29. In each communication in question here, Defendant MCM used an automatic telephone dialing system or used a telephone dialing system that has the **capacity** to automatically dial Plaintiff's cellular phone in an attempt to collect on the alleged but non-existent consumer debt. **(Emphasis Added)**
30. In each communication in question here, Defendant MCM used a private number when calling Plaintiff's cell phone number.
31. Plaintiff has no prior or present established relationship with Defendant MCM.
32. Plaintiff has no contractual obligation to pay Defendant MCM any alleged consumer debt.
33. On September 03, 2013 Plaintiff sent a letter via United States Postal Service Express Mail informing Defendant MCM said actions were a violation of the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227(b)(1)(A), 47 U.S.C. § 227(b)(1)(A)(iii), Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., The Texas Debt Collection Practices Act, Chapter 392, and the Texas Business and Commerce Code, Subchapter E. Chapter 17, this was in an effort to amicably resolve the matter prior to litigation.
34. All violations complained of herein occurred within the statute of limitations of the applicable federal statutes.

COUNT I

**VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. §227(b)(1)(A) BY DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.**

35. Paragraphs 1 through 34 are re-alleged as though fully set forth herein.

36. Plaintiff and Defendant MCM do not have an established business relationship within the meaning of 47 U.S.C. §227(a)(2).

37. Defendant MCM called Plaintiff's cellular telephone using an "automatic telephone dialing system" within the meaning of 47 U.S.C. §227(a)(1).

38. Defendant MCM has demonstrated willful or knowing non-compliance with 47 U.S.C. § 227 (b)(1)(A) by using an automatic telephone dialing system to call the Plaintiff's cellular telephone number, which is assigned to a cellular telephone service **with no** prior express consent and for no emergency purpose.

39. Defendant MCM has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) which states in part;

(b) RESTRICTIONS ON THE USE OF AUTOMATED TELEPHONE EQUIPMENT.—

(1) PROHIBITIONS.—It shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States—

(A) to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice—

WHEREFORE, Plaintiff demands judgment for damages against MCM for actual, statutory, and punitive damages, any attorney's fees, and costs, pursuant to 47 U.S.C §227(b)(3)(B).

COUNT II

**VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT 47 U.S.C.
§227(b)(1)(A)(iii) BY DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.**

40. Plaintiff alleges and incorporates the information in paragraphs 1 through 39.

41. Defendant MCM has demonstrated willful or knowing non-compliance with 47 U.S.C.

§227(b)(1)(A)(iii) by using an automatic telephone dialing system to call the Plaintiff's number, which is assigned to a cellular telephone service.

42. Defendant MCM has demonstrated willful or knowing non-compliance with 47 U.S.C.

§227(b)(1)(A)(iii) which states in part;

(b) RESTRICTIONS ON THE USE OF AUTOMATED TELEPHONE EQUIPMENT.—

(1) PROHIBITIONS.—It shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States—

(A) to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice—

(iii) to any telephone number assigned to a paging service, **cellular telephone service**, specialized mobile radio service, or other radio common carrier service, or an service for which the called party is charged for the call;

43. Defendant MCM has demonstrated willful or knowing non-compliance with 47 U.S.C.

§227(b)(1)(A)(iii) by calling the Plaintiff's number no less than 4 times, which is assigned to a cellular telephone service. The Plaintiff has never given MCM express permission to call Plaintiffs cellular phone.

WHEREFORE, Plaintiff demands judgment for damages against MCM for actual, statutory, and punitive damages, any attorney's fees, and costs, pursuant to 47 U.S.C §227(b)(3)(B).

COUNT III

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692d
BY DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.**

- 44. Paragraphs 1 through 43 are re-alleged as though fully set forth herein.
- 45. Defendant aforementioned conduct violated the FDCPA.
- 46. Defendant MCM actions of making attempts to collect on an a alleged but non-existent debt was to harass, oppress, or abuse Plaintiff, is a violation of 15 U.S.C. § 1692d,

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA and/or admission from the Defendant(s) that they violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C § 1692k.
- c) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- d) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- e) Awarding such other and further relief as the Court may deem just and proper.

COUNT IV

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692d(5) BY DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.

47. Paragraphs 1 through 46 are re-alleged as though fully set forth herein.

48. Defendant aforementioned conduct violated the FDCPA.

49. Defendant MCM violated 15 U.S.C. § 1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA and/or admission from the Defendant(s) that they violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C § 1692k.
- c) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- d) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- e) Awarding such other and further relief as the Court may deem just and proper.

COUNT V

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692d(6) BY DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.

50. Paragraphs 1 through 49 are re-alleged as though fully set forth herein.

51. Defendant aforementioned conduct violated the FDCPA.

52. Defendant MCM violated 15 U.S.C. § 1692d(6) by the placement of telephone calls without meaningful disclosure of the caller's identity.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA and/or admission from the Defendant(s) that they violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C § 1692k.
- c) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- d) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- e) Awarding such other and further relief as the Court may deem just and proper.

COUNT VI

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692e(10) BY DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.

53. Paragraphs 1 through 52 are re-alleged as though fully set forth herein.

54. Defendant aforementioned conduct violated the FDCPA.

55. Defendant MCM violated 15 U.S.C. § 1692e(10) by the placement of telephone calls **using a private number**, is false, deceptive, or misleading representations or means in connection with the collection of a debt; **(Emphasis added)**

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA and/or admission from the Defendant(s) that they violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C § 1692k.
- c) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- d) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- e) Awarding such other and further relief as the Court may deem just and proper.

COUNT VII

**VIOLATION OF THE TEXAS DEBT COLLECTION PRACTICES ACT,
TEXAS FINANCE CODE § 392.302(2) BY DEFENDANT
MIDLAND CREDIT MANAGMENT, INC.**

56. Paragraphs 1 through 55 are re-alleged as though fully set forth herein.

57. Defendant aforementioned conduct violated the TDCPA.

58. Defendant MCM violated the Texas Debt Collection Practices Act, Texas Finance Code § 392.302(2) by placing telephone calls without disclosing the name of the individual making the call and with the intent to annoy, harass, or threaten a person at the called number;

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the TDCPA and/or admission from the Defendant(s) that they violated the TDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to TDCPA.
- c) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- d) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- e) Awarding such other and further relief as the Court may deem just and proper.

COUNT VIII

**VIOLATION OF THE TEXAS DEBT COLLECTION PRACTICES ACT,
TEXAS FINANCE CODE § 392.302(4) BY DEFENDANT
MIDLAND CREDIT MANAGEMENT, INC.**

59. Paragraphs 1 through 58 are re-alleged as though fully set forth herein.

60. Defendant aforementioned conduct violated the TDCPA.

61. Defendant MCM violated the Texas Debt Collection Practices Act, Texas Finance Code § 392.302(4) by causing a telephone to ring repeatedly or continuously, or making repeated or continuous telephone calls, with the intent to harass a person at the called number.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- f) Adjudging that Defendant violated the TDCPA and/or admission from the Defendant(s) that they violated the TDCPA;
- g) Awarding Plaintiff statutory damages, pursuant to TDCPA.
- h) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- i) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- j) Awarding such other and further relief as the Court may deem just and proper.

COUNT IX

**VIOLATION OF THE TEXAS DEBT COLLECTION PRACTICES ACT,
TEXAS FINANCE CODE § 392.304(a)(5)(B) BY DEFENDANT
MIDLAND CREDIT MANAGEMENT, INC.**

62. Paragraphs 1 through 61 are re-alleged as though fully set forth herein.

63. Defendant aforementioned conduct violated the TDCPA.

64. Defendant MCM violated the Texas Debt Collection Practices Act, Texas Finance Code § 392.304(a)(5)(B) by failing to disclose, except in a formal pleading made connection with a legal action: that the communication is from a debt collector.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- k) Adjudging that Defendant violated the TDCPA and/or admission from the Defendant(s) that they violated the TDCPA;
- l) Awarding Plaintiff statutory damages, pursuant to TDCPA.
- m) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- n) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- o) Awarding such other and further relief as the Court may deem just and proper.

COUNT X

**VIOLATION OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT,
BY DEFENDANT MIDLAND CREDIT MANAGMENT, INC.**

65. Paragraphs 1 through 64 are re-alleged as though fully set forth herein.
66. Defendant aforementioned conduct violated the DTPA.
67. Defendant MCM violation of the TDCPA is a violation of the Texas Deceptive Trade Practices Act, and is actionable under the Texas Deceptive Trade Practices Act; Tex. Fin. Code. Ann. § 392.404(a);
68. Defendant violated Tex. Bus. Com. Code § 17.50(h).

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

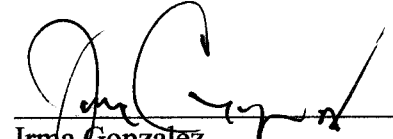
- a. Adjudging that Defendant violated the Texas Deceptive Trade Practices Act, Tex. Bus. Com. Code, Chapter 17, Subchapter E;
- b. Awarding Plaintiff statutory damages, pursuant to Tex. Bus. Com. Code § 17.50(h).
- c. Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- d. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- e. Awarding such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff is entitled to and hereby demands trial by jury.

Dated: September 17, 2013

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Irma Gonzalez', is written over a horizontal line.

Irma Gonzalez
3214 Monterra Creek, Apt 202
Fort Worth, Texas 76137
(817) 909-1390
Irmagon56@yahoo.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IRMA GONZALEZ

Plaintiff.

v.

MIDLAND CREDIT
MANAGEMENT, INC.

Defendant.

CIVIL ACTION NO.

TRIAL BY JURY DEMANDED

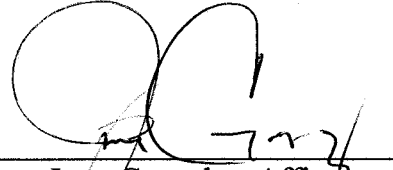
VERIFICATION OF COMPLAINT

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME personally appeared Irma Gonzalez who, being by me first duly sworn and identified in accordance to Texas law, deposes and says:

1. My name is Irma Gonzalez, Plaintiff herein.
2. I have read and understood the attached foregoing complaint and examined any appendices filed herein, and each fact alleged therein is true and correct of my own personal knowledge. The appendices are true and fair copies of the recited instruments.

FURTHER THE AFFIANT SAYETH NAUGHT.

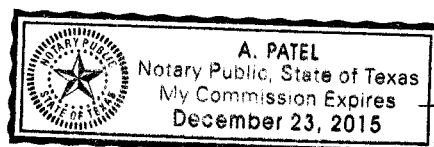

Irma Gonzalez, Affiant


State of Texas

County of Tarrant

SWORN TO and subscribed before me, a notary public, on this 16th day of September 2013 personally appeared Irma Gonzalez, known to me through description of identity card to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

(Personalized Seal)




Notary Public's Signature

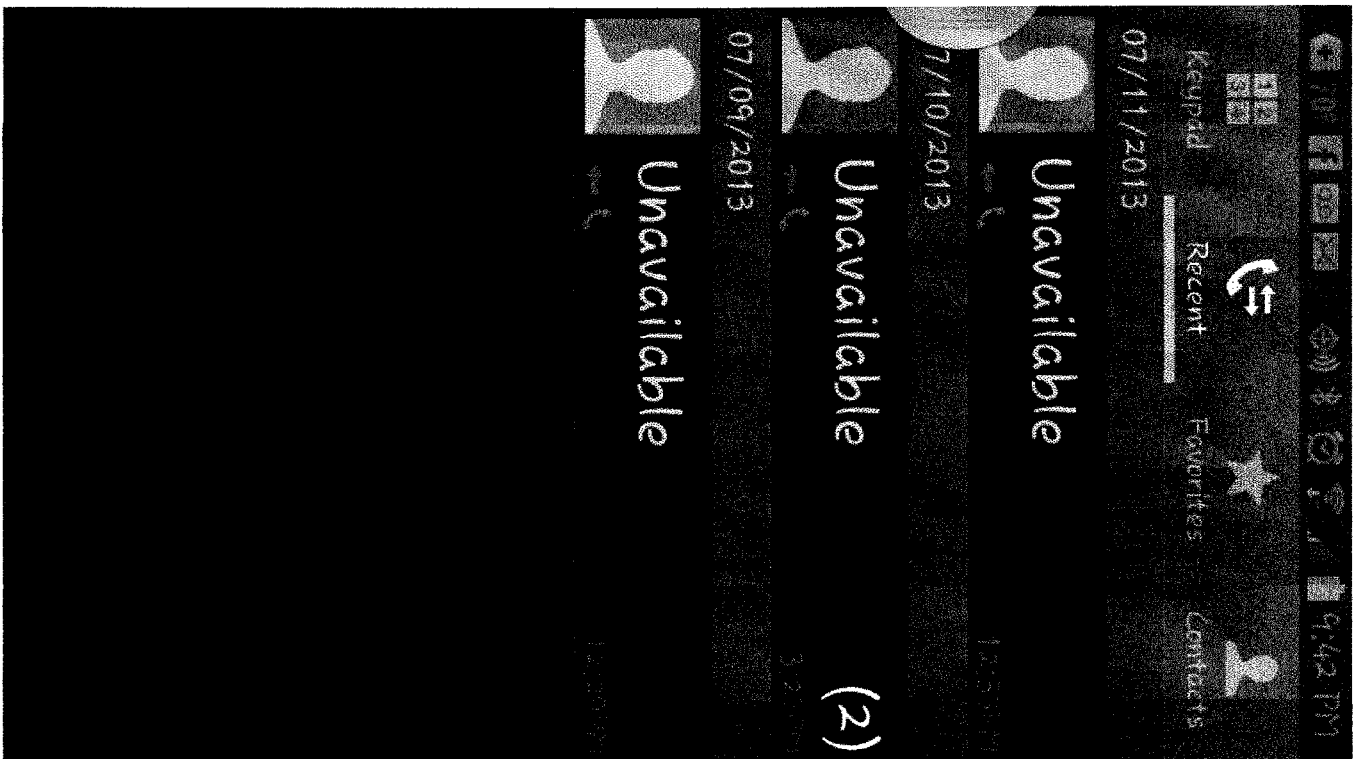


EXHIBIT A

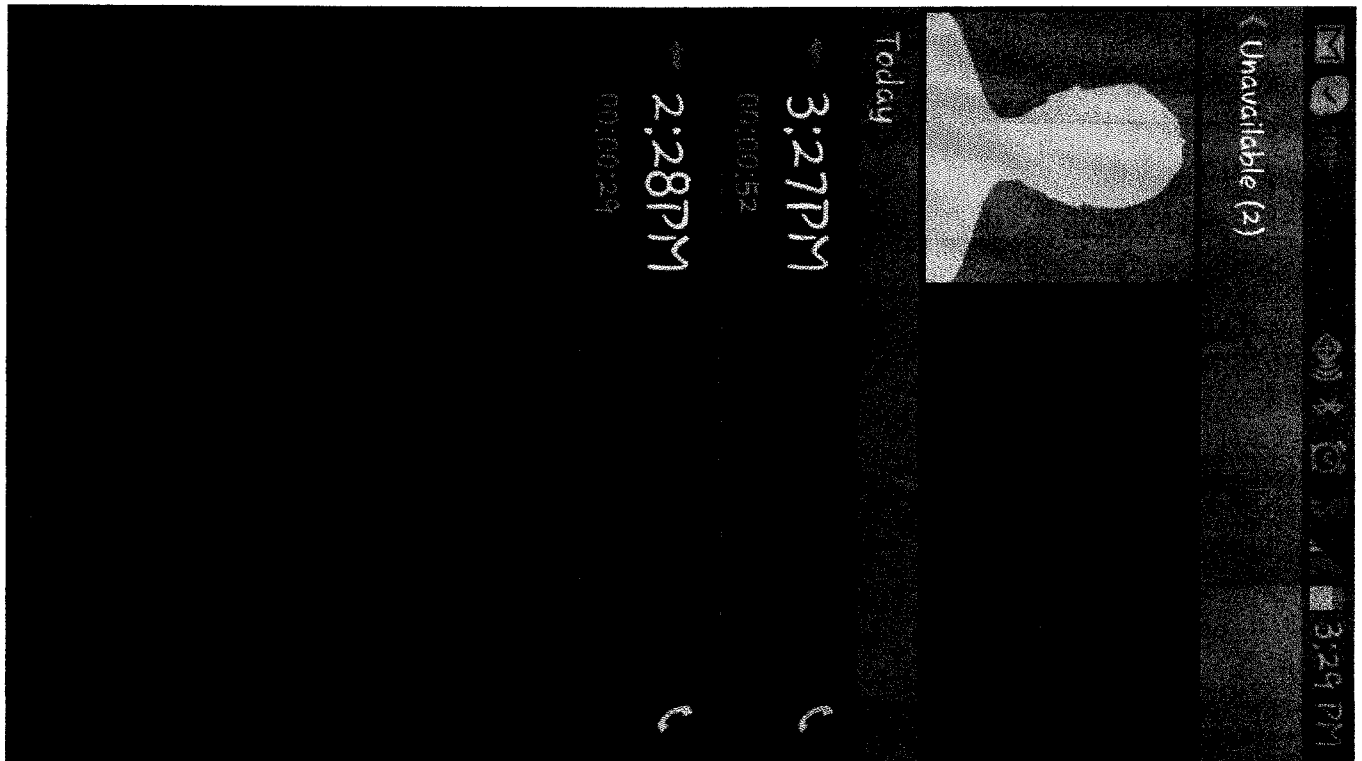


EXHIBIT B

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Irma Gonzalez

ORIGINAL

DEFENDANTS

Midland Credit Management, Inc.

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. § 227 et al., 15 U.S.C. § 1692 et al., Texas Debt Collection Practices Act, Chapter 392

Brief description of cause:

Violations of FDCPA, TCPA, TDCPA, DTPA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) PENDING OR CLOSED:

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/17/2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE